

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.1599/94.

Date of Order: June 13, 1996.

Between:

M.Brabhakara Rao.

... Applicant.

- 1.The Senior Superintendent of Post Offices, Prakasam Postal Division, Ongole.
 - 2.The Director of Postal Service, Office of the Post Master General, Vijayawada.
 - 3.The Post Master General, Vijayawada.
 - 4.The Chief Post Master General, A.P., Circle, Daksadan, Hyderabad.
- Respondents.

For the Applicant: Sri K.Venkateshwara Rao.

For the Respondents: Sri N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE MR. JUSTICE M.G.CHAUDHARI, VICE-CHAIRMAN. *full*

The HON'BLE MR. R.RANGARAJAN, MEMBER (ADMINISTRATION) *1*

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O.A.1599/94.

Date: June 13, 1996.

JUDGMENT.

(As per Hon'ble Justice Sri M.G.Chaudhari, Vice-Chairman.)

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The applicant is aggrieved by the Order passed by the Post Master General, Vijayawada vide Memo No. ST-17/4/94 dated 24--11--1994, Annexure-I whereby dis-agreeing with the Order of Censure passed by the Disciplinary Authority, a ~~mandate~~ of compulsory retirement from service has been imposed upon the applicant, Sri M.Prabhakara Rao, MSG II, BCR PA in Chirala Headquarter. Not only that order has become effective, but also the applicant has crossed the normal superannuation ~~of~~ age. However, with a view to try to secure ^{better} monetary ~~pensionary~~ benefits, he is pursuing his ^{to} challenge with the impugned order.

2. The impugned Order has been passed by the Post Master General in exercise of powers conferred on him under Rule 29 of C.C.S(CCA) Rules, 1965 that is to say revisional powers.

3. Mr. K.Venkateswara Rao submits that the applicant has not realised at the time of filing of the O.A., that it was open to him to file an appeal against the impugned order to the Appellate Authority and in a mistaken belief,

on 28--12--1994 and it has been

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pending till now, but that the applicant is now advised to file an appeal and for that purpose seeks permission of this Tribunal to withdraw the instant O.A.

4. In our opinion, since it is stated that the remedy of appeal is available to the applicant, we think it appropriate to grant permission to the applicant as requested, particularly as the Appellate Authority could have wider jurisdiction to deal with the matter than the scope within which the Tribunal can deal with the matters of Disciplinary Proceedings. That would secure the ends of justice.


5. Mr. K.Venkateswara Rao submitted that the applicant will seek condonation of delay in filing the appeal on the ground that the applicant was pursuing the proceedings in the O.A., in a bona fide mistake, that no remedy of appeal was available to him. All that we can say is that it will be open to the applicant to so contend, and if occasion arises to consider the said submission, the Appellate Authority may adopt a sympathetic view. We also hope that since the applicant is a retired person, he may have the satisfaction of hearing of his case by the Appellate Authority and we have, no doubt, that the Appellate Authority will keep in mind this aspect. We have, however, make


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it clear, that we are not giving any direction to the Appellate Authority and it will be open to the Appellate Authority to deal with the appeal, if preferred by the applicant, ~~on merits~~ in accordance with law.

6. Mr. N.R. Devaraj, learned counsel for the respondents does not oppose the request for withdrawal.

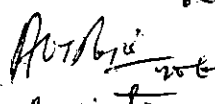
7. Accordingly the O.A., is allowed to be withdrawn for the reasons stated above. No order as to costs.


(R. RANGARAJAN)
Member (A)


(M.G. CHAUDHARI, J)
Vice-Chairman.

Date: June 13, 1996.

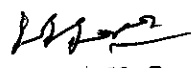
Dictated in open Court.


Deputy Registrar C.S.

O.N.

Furnish copy of the Judgment to the applicant expeditiously.

(B.O.)


P.S. to H.V.C.

CO. SEC
Reviewed
on 19/6/96
at 5:00 pm
Urged
20/6/96

047/96

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CHECKED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

1996

ORDER/JUDGMENT

M.A./R.A/C.A.No.

in

O.A.No. 1596/96

T.A.No.

(W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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